

REFERENCE TITLE: criminal justice; budget reconciliation

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2867

Introduced by
Representative Robson (with permission of committee on Rules)

AN ACT

AMENDING SECTION 12-108, ARIZONA REVISED STATUTES; REPEALING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 369, SECTION 2; AMENDING SECTIONS 12-119.01, 12-121, 12-267 AND 12-269, ARIZONA REVISED STATUTES; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 5; AMENDING SECTIONS 13-902 AND 22-281, ARIZONA REVISED STATUTES; AMENDING SECTION 38-810, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 10; AMENDING SECTION 41-1771, ARIZONA REVISED STATUTES; AMENDING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2, LAWS 2002, CHAPTER 291, SECTION 17, LAWS 2004, CHAPTER 69, SECTION 5 AND LAWS 2006, CHAPTER 369, SECTION 12; AMENDING LAWS 2000, CHAPTER 193, SECTION 599, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 3, LAWS 2002, CHAPTER 291, SECTION 18, LAWS 2004, CHAPTER 69, SECTION 6 AND LAWS 2006, CHAPTER 369, SECTION 13; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-108, Arizona Revised Statutes, is amended to read:

12-108. Reports of decisions; publication; distribution

A. The supreme court may contract with the person who agrees to publish and sell the report of decisions on terms most advantageous to the state. The contractor shall agree to publish at the contract price the number of volumes as the supreme court may require. ~~and to deliver the volumes as follows:~~

~~1. To the Arizona state library, archives and public records the number of copies necessary for its use and for exchange with the libraries of other states and countries.~~

~~2. To the law library of the university of Arizona the number of copies necessary for its use and for exchange with the law libraries of other states and countries.~~

~~3. To the law library of Arizona state university the number of copies necessary for its use and for exchange with the law libraries of other states and countries.~~

~~4. To each supreme court justice, court of appeals judge, superior court judge, the clerk of each court, the county attorney and the reporter of decisions of the supreme court, one copy.~~

~~5. To the law library of each county, two copies.~~

~~6. To the department of law, thirty copies.~~

~~7. To the corporation commission, two copies.~~

~~8. To the industrial commission, seven copies.~~

~~9. To the department of public safety, two copies.~~

B. ~~All other agencies, boards, commissions and departments of the state~~ ANY ENTITY may request from the contractor ~~additional~~ ANY NUMBER OF volumes, which shall be published and delivered at the contract price to be paid for by the requesting entity.

C. Volumes that are delivered to a person on account of the office held by that person remain the property of this state and shall have stamped or written on them the name of the office and shall be kept for the use of the office.

~~D. Subject to the availability of funds, the cost of publishing reports of decisions shall be paid from the appropriation to the supreme court. Each entity receiving a volume shall pay the cost of delivery.~~

Sec. 2. Repeal

Section 12-116, Arizona Revised Statutes, as amended by Laws 2006, chapter 369, section 2, is repealed.

Sec. 3. Section 12-119.01, Arizona Revised Statutes, is amended to read:

12-119.01. Supreme court fees; distribution

A. Except as otherwise provided by law, fees for the supreme court shall be established and classified as follows:

1	Class	Description	Fee
2			
3	A	Initial case filing fee	
4		Petitions for review	
5		and cross petitions for	
6		Review	\$ 140.00
7		Direct appeals and cross	
8		appeal appellant	140.00
9		Special actions petitioner	140.00
10			
11	B	Subsequent case filing fee	
12		Intervenors direct appeals	
13		and special action	\$ 70.00
14		Direct appeals appellee	70.00
15		Special actions respondent	70.00
16		Response to petition	
17		for review	70.00
18			
19	E	Minimum clerk fee	
20		Certifications alone	\$ 17.00
21		Certificate of good standing	
22		Certificates	17.00
23			
24	F	Per page fee	
25		Copies - each page	\$.50
26			
27	G	Special fees	
28		New and duplicate certificates	\$ 35.00
29			

30 B. The clerk of the supreme court shall deposit, pursuant to sections
31 35-146 and 35-147, all of the monies collected pursuant to subsection A of
32 this section as follows:

33 1. 27.78 per cent in the judicial collection enhancement fund
34 established by section 12-113.

35 2. 26.00 per cent with the state treasurer for transmission to the
36 elected officials' retirement plan fund established by section 38-802. The
37 monies shall be transmitted by the state treasurer to the fund pursuant to
38 section 38-810.

39 3. 46.22 per cent in the state general fund.

40 C. THE SUPREME COURT MAY INCREASE THE CLASS A AND B FEES PRESCRIBED IN
41 SUBSECTION A OF THIS SECTION.

1 Sec. 4. Section 12-121, Arizona Revised Statutes, is amended to read:

2 12-121. Number of judges: petition for approval of additional
 3 judges

4 A. In each county of the state there shall be a superior court for
 5 which at least one judge shall be elected. ~~In each county having a census~~
 6 ~~enumeration greater than thirty thousand inhabitants, and upon ON~~ petition by
 7 the board of supervisors of ~~such~~ THE county to the governor and ~~his~~ ON THE
 8 GOVERNOR'S approval ~~thereof~~ OF THE PETITION, ~~there shall be~~ an additional
 9 judge ~~OR JUDGES of the superior court for each thirty thousand inhabitants,~~
 10 ~~or majority fraction thereof, or the additional judge of the superior court~~
 11 ~~may~~ SHALL be authorized, ~~based on the procedure prescribed by the terms of~~
 12 ~~subsections B and C~~ BUT THE NUMBER OF JUDGES AUTHORIZED SHALL NOT EXCEED ONE
 13 JUDGE FOR EACH THIRTY THOUSAND INHABITANTS OR MAJORITY FRACTION THEREOF.

14 ~~B. Upon petition by the board of supervisors of a county to the~~
 15 ~~governor and his approval thereof, there shall be an additional judge of the~~
 16 ~~superior court provided that the board of supervisors has determined, as~~
 17 ~~prescribed in subsection C, that the county has acquired since the last~~
 18 ~~census enumeration the required number of inhabitants for an additional judge~~
 19 ~~as provided in subsection A.~~

20 ~~C. The determination of the board of supervisors shall be based on,~~
 21 ~~but not limited to, recent estimates of population, if any, of any area~~
 22 ~~within the county issued by the bureau of the census, auto registrations,~~
 23 ~~nonagricultural employment, gross utility revenues and retail sales.~~

24 ~~D.~~ B. Additional judges authorized by ~~the terms of~~ this section shall
 25 be appointed or elected as provided by law.

26 Sec. 5. Section 12-267, Arizona Revised Statutes, is amended to read:

27 12-267. Adult probation services fund; accounts; expenditure
 28 plan; use

29 A. The board of supervisors shall designate a chief fiscal officer who
 30 shall establish and administer an adult probation services fund consisting
 31 of:

32 1. County general fund appropriations for adult probation.

33 2. State appropriations for adult probation including:

34 (a) Monies for adult probation officers authorized by article 6 of
 35 this chapter.

36 (b) Monies for state aid for adult probation services authorized by
 37 this article.

38 (c) Monies for adult community punishment programs established
 39 pursuant to article 11 of this chapter.

40 (d) Monies for adult intensive probation pursuant to title 13,
 41 chapter 9.

42 3. Probation fees collected pursuant to section 13-901 ~~AND SECTION~~
 43 ~~13-902, SUBSECTION G.~~

44 4. Federal monies provided for adult probation.

45 5. Adult probation monies from any other source.

1 B. The chief fiscal officer shall establish and maintain separate
 2 accounts in the fund showing receipts and expenditures of monies from each
 3 source listed in subsection A of this section. The presiding judge of the
 4 superior court shall annually present to the board of supervisors for
 5 approval a detailed expenditure plan for the adult probation services fund
 6 accounts. Any modifications to the expenditure plan affecting state
 7 appropriations shall be made in accordance with the rules and procedures
 8 established by the supreme court. Any modifications to the expenditure plan
 9 affecting county appropriated funds shall be made in accordance with the
 10 policies established by the county. The chief fiscal officer shall disburse
 11 monies from the fund accounts only at the direction of the presiding judge of
 12 the superior court. The chief fiscal officer of each county ~~shall~~, on or
 13 before August 31 of each year for the preceding fiscal year, **SHALL** submit an
 14 annual report to the supreme court showing the total amount of receipts and
 15 expenditures in each account of the adult probation services fund.

16 C. The state monies in the adult probation services fund, **AND**
 17 **PROBATION FEES COLLECTED PURSUANT TO SECTION 13-901 AND SECTION 13-902,**
 18 **SUBSECTION G,** shall be used in accordance with guidelines established by the
 19 supreme court or the granting authority.

20 D. State monies expended from the adult probation services fund shall
 21 be used to supplement, not supplant, county appropriations for the superior
 22 court adult probation department.

23 E. Up to twenty-five thousand dollars annually deposited in the adult
 24 probation services fund shall be used to pay the annual assessment on member
 25 states of the interstate compact for the supervision of adult offenders
 26 established in section 31-467, **ARTICLE X**, subsection B.

27 F. County monies in the adult probation services fund shall be used in
 28 accordance with the fiscal policies and procedures established by the board
 29 of supervisors.

30 **G. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PERIODICALLY CHARGE**
 31 **EACH LOCAL PROBATION FEES ACCOUNT AN AMOUNT ESTABLISHED ANNUALLY BY THE**
 32 **SUPREME COURT TO COVER A PROPORTIONAL SHARE OF THE COST OF MONITORING DEVICES**
 33 **REQUIRED PURSUANT TO SECTION 13-902, SUBSECTION G CONSISTENT WITH GUIDELINES**
 34 **ESTABLISHED TO IMPLEMENT SECTION 13-902, SUBSECTION G.**

35 Sec. 6. Section 12-269, Arizona Revised Statutes, is amended to read:

36 **12-269. Probation funding; counties with a population of two**
 37 **million or more persons; surcharge; support services;**
 38 **limitation**

39 A. The administrative office of the courts shall not disburse any
 40 direct state aid for probation services monies, including motor pool costs,
 41 that are appropriated for juvenile intensive probation services pursuant to
 42 section 8-353, state aid for probation services pursuant to section 12-262,
 43 adult intensive probation pursuant to title 13, chapter 9 and community
 44 punishment programs pursuant to article 11 of this chapter to a county with a
 45 population of two million or more persons.

B. A county with a population of two million or more persons shall maintain probation standards that are otherwise prescribed by law, except that the probation ratios that are listed in sections 8-203, 8-353, 12-251 and 13-916 do not apply. The county shall maintain appropriate ratios of officers to probationers consistent with evidence based practices in differentiated case management and shall annually report its performance to the chief justice of the Arizona supreme court, the speaker of the house of representatives and the president of the senate on or before October 1 of each year. The annual report shall include, for each probation program, the rate of successful completion of probation, the rate of new felony convictions and the rate of commitment to the state department of corrections or the department of juvenile corrections.

C. In lieu of the surcharge prescribed in section 12-114.01 and in addition to any other penalty assessment provided by law, a county with a population of two million or more persons shall levy a probation surcharge in an amount determined by the county on every fine, penalty and forfeiture imposed and collected by the superior, justice and municipal courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for a violation of any local ordinance relating to the stopping, standing or operation of a vehicle, except parking violations, or for a violation of the game and fish statutes in title 17.

D. The monies collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the adult probation services fund established by section 12-267 or in the juvenile probation fund established by section 12-268 in such proportion as determined by the board of supervisors.

E. For the purposes of sections 12-267 and 12-268, in a county with a population of two million or more persons, probation fees under section 13-901 and probation surcharges under this section are not state appropriations.

F. ~~Notwithstanding any other provision of this section,~~ The administrative office of the courts shall **ONLY** provide centralized support services to ~~all~~ counties **WITH A POPULATION OF LESS THAN TWO MILLION PERSONS** from monies that are provided for probation programs.

Sec. 7. Section 12-284, Arizona Revised Statutes, as amended by Laws 2008, chapter 80, section 5, is amended to read:

12-284. Fees

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
A	Initial case filing fee	
	Tax case	\$115.00 166.00
	Filing complaint or petition	115.00 166.00
	Filing intervenor	115.00 166.00

1	Additional plaintiffs	115.00	166.00
2	Filing foreign judgment	115.00	166.00
3	Ownership of real property becomes an		
4	issue plaintiff	115.00	166.00
5	Appellant		
6	(except under sections 12-1809 and 13-3602)	115.00	166.00
7	Change of venue to this county	115.00	166.00
8	Petition for change of name	115.00	166.00
9	Filing a process server application	115.00	166.00
10	B Subsequent case filing fee		
11	Filing answer or initial appearance	\$ 61.00	88.00
12	Additional defendants	61.00	88.00
13	Notice of appeal to appellate courts		
14	(except under section 12-2107)	61.00	88.00
15	Cross-appeal by appellee (except under section		
16	12-2107)	61.00	88.00
17	Ownership of real property becomes an		
18	issue defendant	61.00	88.00
19	Jurisdiction exceeded appellee		
20	(within 20 days of filing)	61.00	88.00
21	Response to show cause that does one or more		
22	of the following:		
23	1. Requests affirmative relief or		
24	counterrelief		
25	2. Attacks the sufficiency of process		
26	or the proceedings		
27	3. Takes other affirmative action	61.00	88.00
28	C Initial case filing fee		
29	Filing petition for annulment	\$ 91.00	131.00
30	Filing for dissolution/legal separation petition	91.00	131.00
31	Petition in formal testacy or appointment		
32	proceeding	91.00	131.00
33	Application for informal probate or informal		
34	appointment	91.00	131.00
35	Petition for supervised administration petition		
36	to appoint guardian	91.00	131.00
37	Petition to appoint conservator or make other		
38	protective order	91.00	131.00
39	Opposing petition in testacy or appointment		
40	proceedings or appointment of guardian or		
41	conservator	91.00	131.00
42	Single estate application or petition under		
43	title 14, chapter 3, section 14-3938	91.00	131.00
44	Domestic relations case for which a fee is not		
45	specifically prescribed	91.00	131.00

1	D	Subsequent case filing fee		
2		Filing answer to annulment	\$	46.00 66.00
3		Filing for dissolution/legal separation answer		46.00 66.00
4		Any person opposing contested petition if no		
5		prior payment made		46.00 66.00
6		Postadjudication petitions in		
7		domestic relations cases		46.00 66.00
8		Postjudgment activities in probate cases		46.00 66.00
9	E	Minimum clerk fee		
10		Filing power of attorney	\$	18.00 26.00
11		Change of venue to another county transmittal		
12		fee		18.00 26.00
13		Change of venue to another county pursuant to		
14		section 12-404 transmittal fee		18.00 26.00
15		Filing transcript and docketing judgment from		
16		any courts		18.00 26.00
17		Issuance of writs of: attachment, execution,		
18		possession, restitution, prohibition and		
19		enforcement of order of judgment-garnishment		18.00 26.00
20		Certified copy or abstract of marriage		
21		application or license		18.00 26.00
22		Certificate of correctness of copy of record		18.00 26.00
23		Justice of peace certificate		18.00 26.00
24		Each certificate of clerk to any matter in		
25		clerk's record not specifically provided		18.00 26.00
26		Filing any paper or performing any act for which		
27		a fee is not specifically prescribed		18.00 26.00
28		Subpoena - (civil)		18.00 26.00
29		Research in locating a document (per year or		
30		source researched)		18.00 26.00
31		Exemplification (per certification)		18.00 26.00
32		Authentication (per certification)		18.00 26.00
33		Seal a court file		18.00 26.00
34		Reopen a sealed court file		18.00 26.00
35		Retrieve bank records		18.00 26.00
36		Reel of film alpha index per year (plus per		
37		page fee below)		18.00 26.00
38		Payment history report		18.00 26.00
39		Certification under one document certification		18.00 26.00
40		Civil traffic appeal		18.00 26.00
41	F	Per page fee		
42		Making copies (on appeal and on request)		
43		per page	\$.50
44		Making extra copies per page		.50

1	Making photographic or photostatic copies	
2	per page	.50
3	Comparison fee of papers furnished by applicant	
4	per page	.50
5	Alpha index per page	.50
6	G Special fees	
7	Small claim tax case	\$ 15.00 22.00
8	Marriage license and return of a	
9	marriage license	50.00 72.00
10	Postage and handling	5.00 7.00
11	Notary services	5.00 7.00
12	Stop payment on check	10.00 14.00

13 B. The clerk of the superior court shall receive the fees prescribed
14 in subsection A of this section for the following services:

15 1. Making copies of papers and records required to be made by the
16 clerk on appeal, and copies of papers and records in the clerk's office made
17 on request in other cases, for each legal size page of original.

18 2. Making extra copies of the papers and records mentioned in
19 paragraph 1 of this subsection, required or requested for each page of copy
20 of such papers and records.

21 3. In a clerk's office, in which a photographic or photostatic method
22 of recording is used or is available for use in cooperation with other public
23 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
24 for each page of copy or fraction of a page of copy. Portions of several
25 pages of records may be combined in one page of copy. The clerk may prepare
26 an abstract of marriage in lieu of a reproduction of the recorded marriage
27 license. The fee shall apply to matters whether recorded in such office by
28 longhand, typing, electronic, photographic or photostatic methods. The fees
29 for copies are exclusive of the fees for certification or authentication.

30 4. Issuing a certificate as to official capacity of a justice of the
31 peace and affixing a seal to the certificate.

32 5. Each subpoena issued in a civil proceeding or filing any paper or
33 performing any act for which a fee is not specifically prescribed by law, but
34 the clerk shall not charge for the clerk's services in administering the oath
35 in connection with any affidavit, petition, letters or other pleading or
36 document which, after administration of the oath therefor, is promptly filed
37 by the clerk and becomes a part of a case or matter of record in the office
38 of the clerk.

39 C. In addition to the fees required by subsection A of this section,
40 the clerk shall charge and collect a surcharge of fifteen dollars for each
41 filing of a postadjudication petition in a domestic relations case for which
42 a fee presently is charged under class D in subsection A of this section.
43 The surcharge shall be used exclusively to fund domestic relations education
44 and mediation programs established pursuant to section 25-413. Each month
45 the clerk shall transmit the monies the clerk collects pursuant to this

1 subsection to the county treasurer for deposit in the domestic relations
2 education and mediation fund established by section 25-413.

3 D. Excluding the monies that are collected pursuant to subsection C of
4 this section, each month the clerk shall transmit seventy-five per cent of
5 the monies collected for subsequent case filing fees for postadjudication
6 petitions in domestic relations cases under class D in subsection A of this
7 section to the county treasurer for deposit in the expedited child support
8 and parenting time fund established pursuant to section 25-412. The
9 remaining twenty-five per cent of the monies collected pursuant to this
10 subsection shall be distributed pursuant to section 12-284.03.

11 E. At the commencement of each action for annulment, dissolution of
12 marriage, legal separation, maternity or paternity, the petitioner shall pay
13 to the clerk of the court the initial case filing fee for the action provided
14 in subsection A of this section. At the time of filing a response, the
15 respondent shall pay to the clerk of the court the subsequent case filing fee
16 for the action provided in subsection A of this section. In each county
17 where the superior court has established a conciliation court, the petitioner
18 and respondent shall each pay to the clerk a sixty-five dollar fee. The
19 monies from the additional fee shall be used to carry out the purposes of the
20 conciliation court pursuant to title 25, chapter 3, article 7.

21 F. In garnishment matters:

22 1. A fee shall not be charged for filing an affidavit seeking only the
23 release of exempt wages.

24 2. A fee shall not be charged for filing a garnishee's answer, for
25 filing a judgment against the garnishee or for the issuance or return of
26 process incident to such a judgment.

27 3. For any contest relating to or any controversion of a garnishment
28 matter, unless the contesting party has paid an appearance fee in that cause,
29 the required appearance fee shall be paid, except that the garnishee shall
30 not pay a clerk's fee.

31 G. A person who is cited to appear and defend an order to show cause
32 shall not be charged an appearance fee. The person may stipulate to or
33 consent to the entry of an order without the payment of an appearance
34 fee. An appearance fee shall be paid if the person is present in person or
35 by an attorney and does one or more of the following:

36 1. Requests affirmative relief or counterrelief.

37 2. Attacks the sufficiency of process or the proceedings.

38 3. Takes other affirmative action.

39 H. A petitioner shall not be charged a fee for requesting an order of
40 protection pursuant to section 13-3602 or an injunction against harassment
41 pursuant to section 12-1809. A defendant shall not be charged an answer fee
42 in an order of protection action if the defendant requests a hearing pursuant
43 to section 13-3602, subsection I or in an injunction against harassment
44 action if the defendant requests a hearing pursuant to section 12-1809,
45 subsection H.

1 I. A person who files a registrar's order pursuant to section
2 32-1166.06 shall not be charged a fee.

3 J. The clerk of the court shall charge and collect a forty-six dollar
4 filing fee for a petition for emancipation of a minor filed pursuant to
5 chapter 15 of this title. Each month the clerk shall transmit the monies the
6 clerk collects pursuant to this subsection to the county treasurer for
7 deposit in the emancipation administrative costs fund established by section
8 12-2456.

9 K. Except for monies that are collected pursuant to subsections C, D,
10 E and J of this section, the clerk of the superior court shall transmit
11 monthly to the county treasurer all monies collected pursuant to this section
12 for distribution or deposit pursuant to section 12-284.03.

13 L. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A
14 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE
15 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
16 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR
17 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

18 Sec. 8. Section 13-902, Arizona Revised Statutes, is amended to read:

19 13-902. Periods of probation; monitoring; fees

20 A. Unless terminated sooner, probation may continue for the following
21 periods:

- 22 1. For a class 2 felony, seven years.
- 23 2. For a class 3 felony, five years.
- 24 3. For a class 4 felony, four years.
- 25 4. For a class 5 or 6 felony, three years.
- 26 5. For a class 1 misdemeanor, three years.
- 27 6. For a class 2 misdemeanor, two years.
- 28 7. For a class 3 misdemeanor, one year.

29 B. Notwithstanding subsection A of this section, unless terminated
30 sooner, probation may continue for the following periods:

- 31 1. For a violation of section 28-1381 or 28-1382, five years.
- 32 2. For a violation of section 28-1383, ten years.

33 C. When the court has required, as a condition of probation, that the
34 defendant make restitution for any economic loss related to the defendant's
35 offense and that condition has not been satisfied, the court at any time
36 before the termination or expiration of probation may extend the period
37 within the following limits:

- 38 1. For a felony, not more than five years.
- 39 2. For a misdemeanor, not more than two years.

40 D. Notwithstanding any other provision of law, justice courts and
41 municipal courts may impose the probation periods specified in subsection A,
42 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

43 E. After conviction of a felony offense or an attempt to commit any
44 offense that is included in chapter 14 or 35.1 of this title or section
45 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may

1 continue for a term of not less than the term that is specified in subsection
 2 A of this section up to and including life and that the court believes is
 3 appropriate for the ends of justice.

4 F. After conviction of a violation of section 13-3824, subsection A,
 5 if a term of probation is imposed and the offense for which the person was
 6 required to register was a felony, probation may continue for a term of not
 7 less than the term that is specified in subsection A of this section up to
 8 and including life and that the court believes is appropriate for the ends of
 9 justice.

10 G. ~~Beginning November 1, 2006,~~ After conviction of a dangerous crime
 11 against children as defined in section 13-604.01, if a term of probation is
 12 imposed, the court shall require global position system monitoring for the
 13 duration of the term of probation. ~~THE COURT MAY IMPOSE A FEE ON THE~~
 14 ~~PROBATIONER TO OFFSET THE COST OF THE MONITORING DEVICE REQUIRED BY THIS~~
 15 ~~SUBSECTION. THE FEE SHALL BE DEPOSITED IN THE ADULT PROBATION SERVICES FUND~~
 16 ~~PURSUANT TO SECTION 12-267, SUBSECTION A, PARAGRAPH 3.~~

17 Sec. 9. Section 22-281, Arizona Revised Statutes, is amended to read:

18 22-281. Fees and deposits

19 A. Justices of the peace shall receive fees established and classified
 20 as follows in civil actions:

Class	Description	Fee
A	Initial case filing fee	
	Civil filing fees	\$ 45.00 65.00
B	Subsequent case filing fee	
	Civil filing fees - defendant	\$ 24.00 35.00
C	Initial case filing fee	
	Forcible entry and detainer filings	\$ 21.00 30.00
	Small claims filing	16.00 23.00
D	Subsequent case filing fee	
	Small claims answer	\$ 9.00 13.00
	Forcible entry and detainer	
	filings - defendant	11.00 16.00
E	Minimum clerk fee	
	Document and transcript transfer on appeal	\$ 17.00 24.00
	Certification of any documents	17.00 24.00
	Issuance of writs	17.00 24.00
	Filing any paper or performing any act for	
	which a fee is not specifically prescribed	17.00 24.00
	Subpoena (civil)	17.00 24.00
	Research in locating a document	17.00 24.00
	Seal a court file	17.00 24.00
	Reopen a sealed court file	17.00 24.00
	Record duplication	17.00 24.00

1	F	Per page fee	
2		Copies of any documents per page	\$ 0.50
3	G	Special fees	
4		Small claims service by mail	\$ 8.00

5 B. This section does not deprive the parties to the action of the
6 privilege of depositing amounts with the justice, in addition to those set
7 forth in this section, for use in connection with the payment of constable's
8 and sheriff's fees for service of process, levying of writs and other
9 services for which fees are otherwise provided by law.

10 C. Excluding the monies that are kept by the court pursuant to
11 subsection D of this section, justices of the peace shall transmit monthly to
12 the county treasurer all monies collected pursuant to subsection A of this
13 section. The county treasurer shall distribute or deposit all of the monies
14 received pursuant to this subsection as follows:

15 1. ~~18.39 per cent~~ To the state treasurer for deposit in the judicial
16 collection enhancement fund established by section 12-113~~—~~, IN THE FOLLOWING
17 PERCENTAGES:

18 (a) 14.02 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
19 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

20 (b) 15.58 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
21 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

22 2. ~~2.42 per cent~~ To the state treasurer for deposit in the alternative
23 dispute resolution fund established by section 12-135~~—~~, IN THE FOLLOWING
24 PERCENTAGES:

25 (a) 1.84 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
26 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

27 (b) 2.05 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
28 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

29 3. TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY
30 SECTION 38-802, EITHER OF THE FOLLOWING PERCENTAGES, WHICH SHALL BE
31 DISTRIBUTED TO THE FUND PURSUANT TO SECTION 38-810:

32 (a) 23.79 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
33 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

34 (b) 15.30 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
35 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

36 ~~3.~~ 4. ~~71.15 per cent~~ To the county general fund~~—~~, IN THE FOLLOWING
37 PERCENTAGES:

38 (a) 54.22 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
39 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

40 (b) 60.26 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
41 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

1 D. ~~8.04~~ IN COUNTIES WITH A POPULATION OF MORE THAN FIVE HUNDRED
 2 THOUSAND PERSONS, 6.13 per cent of the monies transmitted pursuant to
 3 subsection C of this section shall be kept and used by the court collecting
 4 the fees in the same manner as the seven dollars of the time payment fee
 5 prescribed by section 12-116, subsection B.

6 E. IN COUNTIES WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR
 7 LESS, 6.81 PER CENT OF THE MONIES TRANSMITTED PURSUANT TO SUBSECTION C OF
 8 THIS SECTION SHALL BE KEPT AND USED BY THE COURT COLLECTING THE FEES IN THE
 9 SAME MANNER AS THE SEVEN DOLLARS OF THE TIME PAYMENT FEE PRESCRIBED BY
 10 SECTION 12-116, SUBSECTION B.

11 F. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A
 12 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE
 13 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
 14 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR
 15 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

16 Sec. 10. Section 38-810, Arizona Revised Statutes, as amended by Laws
 17 2008, chapter 80, section 10, is amended to read:

18 38-810. Contributions

19 A. Each member shall contribute to the fund an amount equal to seven
 20 per cent of the member's gross salary. Contributions of members shall be
 21 made by payroll deductions. Every member is deemed to consent to these
 22 deductions. Payment of a member's compensation, less these payroll
 23 deductions, constitutes a full and complete discharge and satisfaction of all
 24 claims and demands by the member relating to remuneration for the member's
 25 services rendered during the period covered by the payment, except with
 26 respect to the benefits provided under the plan.

27 B. The fund manager's office shall be credited monthly with monies
 28 collected pursuant to section 12-119.01, subsection B, paragraph 2, section
 29 12-120.31, subsection D, paragraph 2, section 12-284.03, subsection A,
 30 paragraph 6, SECTION 22-281, SUBSECTION C, PARAGRAPH 3 and section 41-178.
 31 The monies credited to the fund pursuant to this subsection shall be
 32 deposited in the fund on a monthly basis, and there shall be a complete
 33 accounting of the determination of these monies deposited in the fund.

34 C. As determined by actuarial valuations performed by the plan's
 35 actuary, each employer shall make level per cent compensation contributions
 36 sufficient under the actuarial valuation to meet both the normal cost plus
 37 the actuarially determined amount required to amortize the unfunded accrued
 38 liability over, beginning July 1, 2005, a rolling period of at least twenty
 39 and not more than thirty years that is established by the fund manager taking
 40 into account the recommendation of the plan's actuary, except that, beginning
 41 with fiscal year 2006-2007, the employer contribution rate shall not be less
 42 than ten per cent of salary. The monies deposited in the fund pursuant to
 43 subsection B of this section shall be used to reduce the contributions
 44 required of state and county employers only. Employers that entered the
 45 system under a joinder agreement shall also contribute an amount equal to the

1 unfunded accrued liability for that employer. The unfunded liability for
2 each new employer shall be actuarially determined by the plan's actuary as of
3 the effective date of participation of each employer and shall be payable on
4 the effective date of participation. The minimum employer contribution that
5 is paid and that is in excess of the normal cost plus the actuarially
6 determined amount required to amortize the unfunded accrued liability as
7 calculated pursuant to this subsection shall be used to reduce future
8 employer contribution increases and shall not be used to pay for an increase
9 in benefits that are otherwise payable to members. The fund manager shall
10 separately account for these monies in the fund. After the close of any
11 fiscal year, if the plan's actuary determines that the actuarial valuation of
12 the fund contains excess valuation assets and is more than one hundred per
13 cent funded, the fund manager shall account for fifty per cent of the excess
14 valuation assets in a stabilization reserve account. After the close of any
15 fiscal year, if the plan's actuary determines that the actuarial valuation of
16 the fund has a valuation asset deficiency and an unfunded actuarial accrued
17 liability, the fund manager shall use any valuation assets in the
18 stabilization reserve account, to the extent available, to limit the decline
19 in the fund's funding ratio to not more than two per cent.

20 D. The department of administration and the treasurer of each county
21 and participating city and town shall transfer to the fund manager the
22 contributions provided for in subsections A and C of this section within ten
23 working days after each payroll date. The state, county treasurers and
24 clerks of the superior court shall transfer the monies credited under
25 subsection B of this section to the fund manager on or before the fifteenth
26 day of each calendar month that follows the month in which the court fees
27 were collected. Contributions and monies credited under subsection B of this
28 section and transferred after these dates shall include a penalty equal to
29 ten per cent ~~per annum~~ A YEAR, compounded annually, for each day that the
30 contributions or monies credited under subsection B of this section are late.
31 Delinquent payments due under this subsection, together with interest charges
32 as provided in this subsection and court costs, may be recovered by action in
33 a court of competent jurisdiction against the person or persons responsible
34 for the payments or, at the request of the fund manager, may be deducted from
35 any other monies including excise revenue taxes payable to a political
36 subdivision by any department or agency of this state. If requested by the
37 fund manager, the state, county treasurers or clerks of the superior court
38 shall transfer the monies credited under subsection B of this section, in an
39 amount determined by the fund manager, directly to the qualified governmental
40 excess benefit arrangement established pursuant to section 38-803.01.

41 E. The employer shall pay the member contributions required of
42 members on account of compensation earned after August 7, 1985. The paid
43 contributions shall be treated as employer contributions for the purpose of
44 determining tax treatment under the United States internal revenue code. The
45 effective date of the employer payment shall not be before the date the

1 retirement plan has received notification from the United States internal
 2 revenue service that pursuant to section 414(h) of the United States internal
 3 revenue code the member contributions paid will not be included in gross
 4 income for income tax purposes until the paid contributions are distributed
 5 by refund or pension payments. The employer shall pay the member
 6 contributions from monies established and available in the retirement
 7 deduction account, which monies would otherwise have been designated as
 8 member contributions and paid to the retirement plan. Member contributions
 9 paid pursuant to this subsection shall be treated for all other purposes, in
 10 the same manner and to the same extent, as member contributions made before
 11 August 7, 1985.

12 Sec. 11. Section 41-1771, Arizona Revised Statutes, is amended to
 13 read:

14 41-1771. Scientific criminal analysis section; crime laboratory
 15 services

16 A. There shall be a scientific criminal analysis section, staffed by a
 17 superintendent and other necessary personnel, and established for the purpose
 18 of giving assistance to the officers of the state charged with law
 19 enforcement.

20 B. THE DEPARTMENT MAY CHARGE ANOTHER LAW ENFORCEMENT AGENCY FOR ANY
 21 CRIME LABORATORY SERVICES PERFORMED ON BEHALF OF THE AGENCY.

22 Sec. 12. Laws 2000, chapter 193, section 598, as amended by Laws 2001,
 23 chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter
 24 69, section 5 and Laws 2006, chapter 369, section 12, is amended to read:

25 Sec. 598. Effective date

26 ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999,~~
 27 ~~chapter 175, section 6, Laws 2000, chapter 193, section 94, Laws 2004,~~
 28 ~~chapter 69, section 3 and this act is effective from and after December 31,~~
 29 ~~2009.~~

30 ~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws
 31 1999, chapter 250, section 7 and this act is effective from and after
 32 December 31, 2000.

33 ~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws
 34 1999, chapter 26, section 5 and this act is effective from and after December
 35 31, 2000.

36 ~~D.~~ C. Section 49-361, Arizona Revised Statutes, as amended by Laws
 37 1999, chapter 26, section 17 and this act is effective from and after
 38 December 31, 2000.

39 Sec. 13. Laws 2000, chapter 193, section 599, as amended by Laws 2001,
 40 chapter 8, section 3, Laws 2002, chapter 291, section 18, Laws 2004, chapter
 41 69, section 6 and Laws 2006, chapter 369, section 13, is amended to read:

42 Sec. 599. Delayed repeal

43 ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1997,~~
 44 ~~chapter 79, section 7, Laws 2000, chapter 193, section 93, Laws 2004, chapter~~
 45 ~~69, section 2 and this act is repealed from and after December 31, 2009.~~

~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1998, chapter 1, section 144 and this act is repealed from and after December 31, 2000.

~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws 1996, chapter 194, section 5, chapter 351, section 39 and this act is repealed from and after December 31, 2000.

Sec. 14. State department of corrections budget structure

Notwithstanding any other law, the state department of corrections shall report actual fiscal year 2007-2008, estimated fiscal year 2008-2009 and requested fiscal year 2009-2010 expenditures for each line item delineated in the fiscal year 2008-2009 general appropriations act when the department submits the fiscal year 2009-2010 budget request pursuant to section 35-113, Arizona Revised Statutes. The information submitted for each line item shall contain as much detail as submitted in previous years for prior line items.

Sec. 15. Criminal justice enhancement fund; state general fund deposit; crime laboratory assessment fund

Notwithstanding any other law, for fiscal year 2008-2009, any monies distributed from the criminal justice enhancement fund pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be deposited in the crime laboratory assessment fund established by section 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415, subsection C, Arizona Revised Statutes, monies distributed by this section pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, are for use by the department of public safety and are exempt from distribution to political subdivisions.

Sec. 16. Justices of the peace; payment of compensation; fiscal year 2007-2008

Notwithstanding section 22-117, subsection B, Arizona Revised Statutes, for fiscal year 2008-2009, the state shall pay 38.5 per cent of the compensation and employee-related expenditures of a justice of the peace and the county shall pay 61.5 per cent of the compensation and employee-related expenditures of a justice of the peace, except that the county shall pay the full amount of the employer contribution of the state retirement system or plan or any county health plan.

Sec. 17. Consumer fraud revolving fund; attorney general; use

Notwithstanding section 44-1531.01, subsection C, Arizona Revised Statutes, for fiscal year 2008-2009, the attorney general may use monies in the consumer fraud revolving fund established by section 44-1501.01, Arizona Revised Statutes, for expenses associated with the tobacco master settlement arbitration.